

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**TRUSTEE'S SECOND MOTION TO EXTEND DEADLINE FOR FILING DEBTOR'S  
CREDITOR MATRIX, STATEMENT AND SCHEDULES PURSUANT  
TO §§ 105(a), 521, AND FED. R. BANKR. P. 1007(c)**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, hereby files this second motion ("Schedules Extension Motion") for entry of an order extending the date by which the Trustee must file a creditor matrix, the Statement of Financial Affairs and Schedules of Assets and Liabilities (collectively, "Statement and Schedules") on behalf of Eastern Livestock Co., LLC ("Debtor") pursuant to 11 U.S.C. § 521 and Rule 1007(c) of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"). The proposed form of the order ("Order") granting this Schedules Extension Motion is attached hereto as Exhibit A.

**JURISDICTION**

1. Certain petitioning creditors commenced the above-captioned chapter 11 case ("Chapter 11 Case") against Debtor on December 6, 2010 ("Petition Date") by filing an involuntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. ("Bankruptcy Code"). This Court entered the *Order For Relief In An Involuntary Case And Order To Complete Filing* [Docket #110] ("Order for Relief") on December 28, 2010. The Order for Relief requires Trustee to file a listing of Debtor's creditors on or before January 4, 2011 and all other documents comprising the Statement and Schedules on or before January 11, 2011.

2. On December 27, 2010, the Court entered the *Order Approving The Appointment Of James A. Knauer As Chapter 11 Trustee* [Docket #102] ("Trustee Order"), approving the United States Trustee's *Notice Of Appointment And Application For Order Approving Appointment of Trustee* [Docket #98] pursuant to 11 U.S.C. § 1104.

3. This Court has jurisdiction to consider this Schedules Extension Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief sought herein are §§ 105(a) and 521 of the Bankruptcy Code.

### **BACKGROUND**

5. The Debtor is one of the largest cattle brokerage companies in the United States, with operations and assets located in at least eleven states. Debtor generated revenue through the purchase and sale of cattle at auctions throughout the country, both on its own behalf and as broker for others. Additional background information on the Debtor may be found in the pleadings filed by the initial petitioning creditors in this Chapter 11 Case.

### **RELIEF REQUESTED**

#### **A. Summary of Relief**

6. On January 6, 2011, the Trustee filed the *Trustee's Motion To Extend Deadline For Filing Debtor's Creditor Matrix, Statement And Schedules Pursuant To §§ 105(a), 521, And Fed. R. Bankr. P. 1007(c)* (docket #140). On January 7, 2011, the Court entered the *Order Granting Trustee's Motion To Extend Deadline For Filing Debtor's Creditor Matrix, Statement And Schedules Pursuant To §§ 105(a), 521, And Fed. R. Bankr. P. 1007(c)* (docket #154), extending the Trustee's deadline to file the Debtor's Statement and Schedules required under 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007(c) to February 10, 2011 ("Schedule

Deadline"). The Trustee seeks an extension of the Schedule Deadline for an additional twenty-five (25) days up through and including March 7, 2011, thus extending the period of time provided under Fed. R. Bankr. P. 1007(c), to file the Statement and Schedules.

**B. Basis for Relief**

7. The Trustee is in the process of assembling the information necessary to complete the Debtor's Statement and Schedules. Debtor's filing occurred on an involuntary basis and the Trustee needs more time to complete the Statement and Schedules as accurately and completely as possible.

8. The Trustee is still in the process of locating Debtor's books and records, to the extent they continue to exist and the Trustee has not had the opportunity to review and/or fully prepare the Debtor's Statement and Schedules. The Trustee is in the process of obtaining books and records from non-Debtor third parties in order to more accurately complete the Statement and Schedules and believes that the current deadlines do not allow for sufficient time to complete the Statement and Schedules to the best of his ability. No Official Committee of Unsecured Creditors has been appointed and no meeting of creditors has yet been set in this Chapter 11 Case.

9. Counsel for the Trustee has contacted the United States Trustee ("UST") regarding the relief requested herein and the UST has no objection thereto.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order (a) extending the Schedule Deadline for an additional twenty-five (25) days up through and including March 7, 2011 by which the Trustee will file Debtor's Statement and Schedules, and (b) granting such other and further relief as the Court deems appropriate.

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/ Terry E. Hall

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on February 10, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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